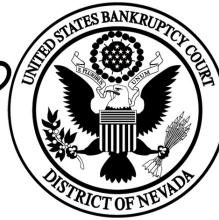


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Natalie M. Cox

Honorable Natalie M. Cox
United States Bankruptcy Judge



Entered on Docket
April 04, 2023

7 John D. Fiero (admitted *pro hac vice*)
8 Jason H. Rosell (admitted *pro hac vice*)
9 PACHULSKI STANG ZIEHL & JONES LLP
One Sansome Street, 34th Floor, Suite 3430
San Francisco, CA 94104
10 Tel: (415) 263-7000
E-mail: jfiero@pszjlaw.com
jrosell@pszjlaw.com

12 *Counsel to the Official
Committee of Unsecured Creditors*

Matthew C. Zirzow (NV Bar No. 7222)
Zachariah Larson (NV Bar No. 7787)
LARSON & ZIRZOW LLC
850 E. Bonneville Ave.
Las Vegas, NV 89101
Tel: (702) 382-1170
Email: mzirzow@lzlawnv.com
zlarson@lzlawnv.com

12 *Counsel to the Official
Committee of Unsecured Creditors*

14
15 **UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

16 In re:
17
18 MUSCLEPHARM CORPORATION,
19 Debtor.

Case No. 22-14422-NMC

Chapter 11

20 WHITE WINSTON SELECT ASSET
21 FUNDS, LLC

Adv. P. No. 23-01014-NMC

22 Plaintiff

23 v.
24 EMPERY TAX EFFICIENT LP, et al.
25 Defendants.

Date: March 31, 2023
Time: 9:30 a.m.

26
27 **ORDER GRANTING *EMERGENCY MOTION OF THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS TO INTERVENE IN ADVERSARY PROCEEDING***

1 Upon the *Emergency Motion of the Official Committee of Unsecured Creditors to Intervene in*
 2 *Adversary Proceeding*, filed by the Official Committee of Unsecured Creditors (the “Committee”) of
 3 MusclePharm Corporation (the “Debtor”), and good cause appearing therefor,

4 **IT IS HEREBY ORDERED THAT:**

5 1. The Motion is GRANTED.
 6 2. The Committee is hereby allowed to intervene in the above-captioned adversary
 7 proceeding and shall be entitled to raise and may appear and be heard on any issue, conduct discovery,
 8 and file pleadings in connection therewith.

9 3. The Committee shall be treated as a “Plaintiff” as if originally designated as such in
 10 the Complaint, and shall have all rights and obligations as a plaintiff in this Adversary Proceeding.
 11 For the avoidance of doubt, the Committee shall have the right to, among other things:

- 12 (i) raise issues and be heard in the Adversary Proceeding;
- 13 (ii) participate generally as a plaintiff in the Adversary Proceeding, including
 14 participation in settlement discussions among the parties to the Adversary
 15 Proceeding;
- 16 (iii) be consulted with by White Winston; *provided, however*, that if the Committee
 17 does not agree to any relief sought by White Winston in the Adversary
 18 Proceeding, it retains the right to object to such relief before the Bankruptcy
 19 Court;
- 20 (iv) receive discovery requests and responses and to examine witnesses at
 21 depositions or at Bankruptcy Court proceedings;
- 22 (v) receive all notices in the Adversary Proceeding;
- 23 (vi) file its own papers (except such papers as set forth in paragraph 4 below) in the
 24 Adversary Proceeding;
- 25 (vii) argue and respond to arguments before the Bankruptcy Court; and
- 26 (viii) raise matters of concern by motion.

27 4. The Committee is not required to file a complaint or amended complaint in the
 28 Adversary Proceeding.

29 5. This Bankruptcy Court retains jurisdiction to resolve any disputes arising under or
 30 related to this Order, and to interpret, implement, and enforce the provisions of this Order.

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2 PREPARED AND SUBMITTED BY:
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4 LARSON & ZIRZOW LLC
5

6 /s/ Matthew C. Zirzow
7 Matthew C. Zirzow (NV Bar No. 7222)
8 Zachariah Larson (NV Bar No. 7787)
9 850 E. Bonneville Ave.
10 Las Vegas, NV 89101
11 Tel: (702) 382-1170
12 Email: mzirzow@lzlawnv.com
13 zlarson@lzlawnv.com

14 -and-
15

16 PACHULSKI STANG ZIEHL & JONES LLP
17 John D. Fiero (admitted *pro hac vice*)
18 Jason H. Rosell (admitted *pro hac vice*)
19 One Sansome Street, 34th Floor, Suite 3430
20 San Francisco, CA 94104
21 Tel: (415) 263-7000
22 E-mail: jfiero@pszjlaw.com
23 jrosell@pszjlaw.com

24 *Counsel to the Official
Committee of Unsecured Creditors*

25 **LR 9021 CERTIFICATION**

26 In accordance with LR 9021, counsel submitting this document certifies that the order
27 accurately reflects the court's ruling and that (check one):

28 The court has waived the requirement of approval under LR 9021(b)(1).
29
 No party appeared at the hearing or filed an objection to the motion.
30
 I have delivered a copy of this proposed order to all counsel who appeared at the
31 hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:
32
 I certify that this is a case under chapter 7 or 13, that I have served a copy of this order
33 with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the
34 order.

35 # # #
36